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OFFICE OF PETITIONS

In re Application of
Paul D. Grayson
Application No. 09/124,426
Filed: July 29, 1998
Attorney Docket No. PHB-34.173

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 8, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item 1.

A Notice of Allowance and Fee(s) Due requiring the issue fee and a Notice of Allowability requiring corrected drawings were mailed on December 19, 2000. It is noted that on May 29, 2001 petitioner submitted a copy of a post card acknowledging receipt of 5 sheets of formal drawing and the Issue Fee on February 12, 2001. Petitioner provided a copy of the Issue Fee Transmittal, but did not include a copy of the corrected drawings. However, based on the copy of the Issue Fee Transmittal provided and a review of the record, it was established that petitioner failed to provide a method for paying the issue fee on February 12, 2001. To date, the issue fee has not been paid and a copy of the corrected drawings have not been provided.

In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Accordingly, the application cannot be revived until a proper response to the Notice of Allowance/Allowability mailed December 19, 2000 is filed.

Applicant should note that effective December 8, 2004 the issue fee was increased to \$700 for a small entity and \$1,400 for a large entity. Since the issue fee is being paid after December 8, 2004, applicant must pay the new amount. Also, if petitioner desires to have the information normally found on the PTOL-85b printed on the patent, then the copy enclosed should be completed and returned with the payment of the issue fee and any renewed petition under 37 CFR 1.137(b).

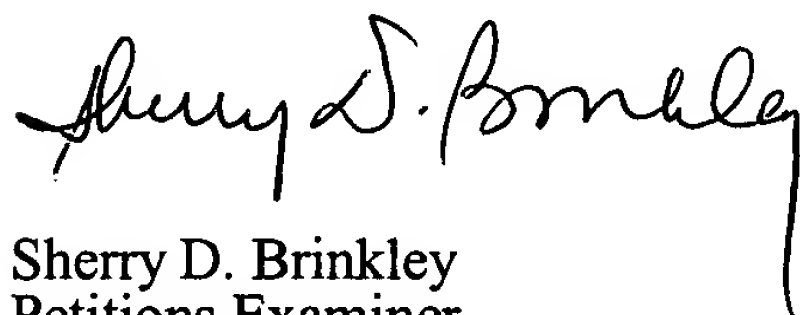
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
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By hand: U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop PETITION
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (703) 872-9306.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



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Office of the Deputy Commissioner
for Patent Examination Policy